

IN THE SENATE

SENATE BILL NO. 1033

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO CONSERVATORS AND POWERS OF ATTORNEY; AMENDING SECTION 15-12-108, IDAHO CODE, TO PROVIDE THAT RESPONSIBILITIES RELATING TO AN AGENTS ACCOUNTABILITY TO CERTAIN FIDUCIARIES AND PRINCIPALS SHALL ALSO APPLY TO APPOINTED TEMPORARY CONSERVATORS, TO PROVIDE THAT UNDER CERTAIN CONDITIONS POWERS OF ATTORNEY ARE TERMINATED UNLESS LIMITED OR CONTINUED BY THE COURT AND TO MAKE A TECHNICAL CORRECTION; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR APPLICABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 15-12-108, Idaho Code, be, and the same is hereby amended to read as follows:

15-12-108. NOMINATION OF CONSERVATOR; -- RELATION OF AGENT TO COURT-APPOINTED FIDUCIARY. (1) In a power of attorney, a principal may nominate a conservator of the principal's estate for consideration by the court if protective proceedings for the principal's estate are thereafter commenced.

(2) If, after a principal executes a power of attorney, a court appoints a conservator of the principal's estate or other fiduciary charged with the management of some or all of the principal's property, including appointment of a temporary conservator pursuant to section 15-5-407A, Idaho Code, the agent is accountable to the fiduciary as well as to the principal. The power of attorney is ~~not terminated and the agent's authority continues unless limited, suspended or terminated~~ or continued by the court.

SECTION 2. This act shall be in full force and effect on and after July 1, 2013, and the amendments in this act shall apply only to those appointments of temporary or permanent conservators made on or after July 1, 2013.